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Chair: Ms. King ..... (Saint Vincent and the Grenadines)
Chair of the Advisory Committee on Administrative and Budgetary Questions: Mr. Ruiz Massieu

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The meeting was called to order at 10.05 a.m.

Agenda item 134: Programme budget for the biennium 2016-2017 (*continued*)

Request for a subvention to the Extraordinary Chambers in the Courts of Cambodia (A/71/338 and A/71/550)

1. **Ms. Bartsiotas** (Controller), introducing the Secretary-General's report on the request for a subvention to the Extraordinary Chambers in the Courts of Cambodia (A/71/338), said that the report outlined the substantial progress and results achieved by the Extraordinary Chambers under each of its cases; addressed the continuing financial challenges faced by the Chambers in 2016; and provided revised estimates of resource requirements for the national and international components for the biennium 2016-2017.

2. By its resolution 70/248, the General Assembly had authorized the Secretary-General, as an exceptional measure, to enter into commitments in an amount not to exceed $12.1 million to supplement the voluntary financial resources of the international component of the Extraordinary Chambers for the period from 1 January to 31 December 2016. That amount had been based on the pledging shortfall at that time for the international component. The full amount of $12.1 million had now been drawn upon, together with the voluntary contributions received in 2016. On the basis of the pledges received, it was estimated that the use of the commitment authority would eventually be limited to about $10.9 million by the end of 2016. The commitment authority had been instrumental in enabling the Secretariat to extend contracts for international staff until 31 December 2016 and had functioned as a source of funds if voluntary funding fell short, ensuring that the salaries and expenses of personnel could be met on time and without any disruption to the work of the Chambers. It had also enabled the Secretariat to take management decisions that allowed staff to focus their energies fully on the timely delivery of the programme of work of the Chambers. The Chambers continued to be engaged at full capacity, with trial, appeal and judicial investigation proceedings advancing simultaneously.

3. The Secretariat had worked closely with the principal donors group in New York and the Friends of the Extraordinary Chambers to raise voluntary contributions throughout the year for both the international and national components. A fundraising strategy had been developed to seek support from key Governments for both components. Those efforts had supported the Royal Government of Cambodia, which had secured almost the entire estimated budget in 2016 for the national component. The Secretary-General sought the General Assembly's approval of an appropriation for a subvention for the international component of the Extraordinary Chambers in the amount of $16.2 million for 2017. While aggressive outreach and fundraising efforts would continue, an appropriation would allow the Secretariat to extend staff contracts for the year 2017 in a timely manner.

4. **Mr. Ruiz Massieu** (Chair of the Advisory Committee on Administrative and Budgetary Questions), introducing the related report of the Advisory Committee (A/71/550), said that a decision to appropriate almost the full amount of the budget of the international component for 2017 would undermine the voluntary nature of the current funding arrangements and related fundraising. However, given the current funding challenges faced by the Extraordinary Chambers and the need to ensure the expeditious conclusion of the remaining cases, the Advisory Committee considered that the United Nations should provide support at a level consistent with the amount of the actual drawdown of the commitment authorities approved for 2015 and 2016. In that regard, he noted that the final drawdown on the authorized commitment authority for 2015 and 2016 amounted to just under $11 million, owing to the receipt of voluntary contributions. It was therefore recommended that the General Assembly should authorize the Secretary-General to enter into commitments in an amount not to exceed $11 million to supplement the voluntary financial resources of the international component of the Extraordinary Chambers, under the conditions indicated in the report of the Advisory Committee.

5. **Ms. Wairatpanij** (Thailand), speaking on behalf of the Group of 77 and China, said that the Group attached great importance to the efficient and effective operation of the Extraordinary Chambers in the Courts of Cambodia in discharging their mandate and to consideration of the Secretary-General's related proposal. The report of the Secretary-General (A/71/338) had been submitted pursuant to General

Assembly resolution 70/248 A, whereby the Assembly had requested the Secretary-General to report on the use of the commitment authority in the context of his next report and had encouraged all Member States to provide voluntary support for the international and national components of the Extraordinary Chambers.

6. The Group noted several elements highlighted in the Secretary-General's report (A/71/338), in particular the progress made by the Extraordinary Chambers in their case files, including the projected timelines, completion plan and road map, as well as their financial position, the fundraising undertaken, and the financial resource requirements for 2017. It commended all stakeholders, including the host Government, the Secretary-General and Member States, that had facilitated the progress achieved, particularly by ensuring adequate provision of extrabudgetary resources. In that regard, the Group hoped that the proposed subvention for 2017 would be considered favourably by the General Assembly. The Group would also comment specifically on the observations and recommendations of the Advisory Committee in informal consultations. Lastly, it supported the appeal by the Government of Cambodia to the United Nations, including the Principal Donors Group and the Group of Interested States, to mobilize the funds required to cover the shortfall of $620,000 in the payment of the salaries of national personnel for the final months of 2016.

7. **Ms. Uemura** (Japan) said that her Government had contributed significantly to the work of the Extraordinary Chambers, which was now in its final stages, with the aim of supporting the peace process in Cambodia. She particularly welcomed the progress achieved in the judicial proceedings relating to cases 002, 003 and 004, which showed that progress was being made in serving justice in Cambodia. It was nevertheless a matter of concern that, under the revised completion plan, judicial activity was foreseen for several years beyond the current financial period. She therefore urged the Secretary-General to implement all measures necessary to expedite case completion, including by ensuring that the plan reflected firmer completion milestones, while guaranteeing compliance with the requirements of the judicial process.

8. The Chambers faced serious financial difficulties that must be addressed so that they could continue their judicial activities. Her delegation was concerned at the increasing reliance on subventions from the regular budget of the United Nations, which could undermine the voluntary nature of the current funding arrangements and related fundraising. Lastly, she encouraged all Member States to provide voluntary contributions and requested the Secretariat to continue its efforts to obtain further contributions, in line with paragraph 3 of General Assembly resolution 57/228 B.

9. **Mr. Tuy** (Cambodia) said that his Government was grateful for the Secretary-General's request for a subvention for the international component of the Extraordinary Chambers and for the generous support for its activities offered by the European Union, the Principal Donors Group and the Group of Interested States. The reports of the Secretary-General (A/71/338) and the Advisory Committee (A/71/550) would be taken into consideration in the drafting of the resolution relating to the requested subvention.

10. Although the receipt of sufficient funds had placed the Extraordinary Chambers on secure financial footing at the beginning of 2016, a request for a subvention would, once again, be necessary as the final quarter of the year approached. Firmly committed to timely mandate delivery, the Chambers had reached peak workload, with proceedings advancing at the pre-trial, trial and appeal stages. The Supreme Court Chamber would pronounce its judgment on the appeal in case 002/01 against Nuon Chea and Khieu Samphan in late November 2016.

11. He trusted that the Principal Donors Group would do its part to cover the financial deficit in the payment of national staff salaries for November and December 2016. In line with its commitment to increase its contributions to the Chambers each year, his Government had contributed $4.15 million in 2016, equivalent to 62 per cent of the approved budget for the national component, of which $1.6 million was earmarked for operational costs and $2.5 million was designated for the payment of national staff salaries for six months. The projected expenditure for the national component for 2016 amounted to $6.6 million.

12. In view of his Government's responsibility to ensure the fulfilment of the financial requirements for the national component for 2017, which had been estimated at $6.37 million, taking into account anticipated pledges, he appealed to Member States, the

Principal Donors Group and the Group of Interested States to support the Secretary-General's request for a subvention, bearing in mind that any delay on their part in honouring their commitments would impede the work of the Chambers. His Government had submitted the Secretary-General's request to the Prime Minister of Cambodia with its endorsement. Lastly, his Government would continue to cooperate with all stakeholders to guarantee justice for the many Cambodians who had suffered the tragic loss of their loved ones.

Conditions of service and compensation for officials other than Secretariat officials: members of the International Court of Justice, President and judges of the International Residual Mechanism for Criminal Tribunals and judges and ad litem judges of the International Tribunal for the Former Yugoslavia

13. **Mr. Kisob** (Office of Human Resources Management), introducing the report of the Secretary-General on the conditions of service and compensation for members of the International Court of Justice, President and judges of the International Residual Mechanism for Criminal Tribunals and judges and ad litem judges of the International Tribunal for the Former Yugoslavia (A/71/201), recalled that the General Assembly, by its resolution 65/258, had decided to re-establish a three-year cycle for the review of the conditions of service and compensation for the members of the International Court of Justice and the judges and ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, of which the most recent had been conducted in 2013 and was presented in the relevant report of the Secretary-General (A/68/188). He further noted that the Secretary-General's 2016 report (A/71/201) did not refer to the judges and ad litem judges of the International Criminal Tribunal for Rwanda, as the Tribunal had closed on 31 December 2015.

14. The report provided background information on the remuneration scheme of the judges and an overview of the other conditions of service, including allowances and benefits. It also contained recommendations by the Secretary-General, as well as indications of the financial implications related to their implementation. On the basis of the outcome of the periodic review conducted with a view to the preparation of the report, the Secretary-General proposed that no changes should be effected in the current remuneration system and other conditions of service of the members of the Court and judges of the International Tribunal for the Former Yugoslavia and the International Residual Mechanism for Criminal Tribunals.

15. The report contained a number of comments and recommendations relating to the changes to the conditions of service of United Nations personnel approved by the General Assembly in its resolution 70/244. In that regard, the adoption of the unified base/floor salary scale structure for staff in the Professional and higher categories would not have an impact on the salaries of the members of the Court, the judges of the Tribunal, and the President and judges of the Mechanism. The correlation between the two salary structures was based solely on a movement, rather than a scheme, that was effected through the consolidation of post adjustment multiplier points into the base scale, with a corresponding readjustment in the post adjustment multipliers. In addition, the Secretary-General proposed that the revised education grant scheme for staff members in the Professional and higher categories, to be introduced as of the school year in progress on 1 January 2018, should be extended to the members of the Court, the judges of the Tribunal, and the President of the Mechanism. Lastly, in line with the new relocation package for staff in the Professional and higher categories, the Secretary-General proposed that, in the travel and subsistence regulations applicable to the members of the Court, the judges of the Tribunal, and the President of the Mechanism, references to the "assignment grant" should be revised to make reference to the "settling-in grant" and "full removal" should now be defined in accordance with the conditions stipulated in General Assembly resolution 70/244.

16. By its decisions 66/556 B, 68/549 A and 69/553 A, the Assembly had deferred, ultimately to its seventy-first session, its consideration of the report of the Secretary-General on the comprehensive review of the pension schemes for the members of the Court and the judges of the two Tribunals (A/66/617); the related report of the Advisory Committee on Administrative and Budgetary Questions (A/66/709) and the letter from the President of the Court to the President of the

General Assembly (A/66/726). Those documents were therefore resubmitted for the Assembly's consideration at its current session. Lastly, should the General Assembly approve the recommendations contained in paragraphs 44 to 52 of the Secretary-General's report (A/71/201), no budgetary implications would arise under the programme budget for the biennium 2016-2017.

17. **Mr. Ruiz Massieu** (Chair of the Advisory Committee on Administrative and Budgetary Questions), introducing the related report of the Advisory Committee (A/71/552), said that the Advisory Committee had no objection to the Secretary-General's proposals; it had been informed that the proposals relating to the revised education grant scheme and new relocation package would result in a reduction in costs attributable to the judges of ICJ, the Residual Mechanism and the International Tribunal for the Former Yugoslavia.

18. **Mr. Chamlongrasdr** (Thailand), speaking on behalf of the Group of 77 and China, said that the Group valued the work of the International Court of Justice, International Residual Mechanism for Criminal Tribunals and the International Tribunal for the Former Yugoslavia. It therefore supported strengthening the conditions of service for the officials of those entities and welcomed proposals aimed at improving their welfare.

19. The Group would seek further information on the issue of retirement benefits, particularly the recommendations relating to pension schemes and the related observations and concerns of the Court. Noting that the Secretary-General's proposals entailed no budgetary implications for 2016-2017, the Group would also seek additional information on the reduction in the cost of the education grant scheme and relocation package of the judges that was expected to arise from the implementation of the related proposals and looked forward to further details in that regard in the context of the second performance report for 2016-2017. Lastly, the Group supported the key principles, enshrined in the statutes of the Court and the Tribunals, that the judges' salaries and allowances should be fixed by the General Assembly and may not decrease during their term of office, and was of the view that equality among judges was a basic principle of the system of international adjudication of disputes between States.

Other matters

20. **Ms. Wairatpanij** (Thailand), speaking on behalf of the Group of 77 and China, drew the Committee's attention to a broadcast e-mail announcement, circulated on 30 August 2016, which reported a number of service changes to the catering facilities at Headquarters. While such communications typically indicated modifications to the business hours and availability of facilities during the high-level week of the General Assembly, the scope of the changes mentioned in the relevant announcement extended beyond September 2016 to cover a 5 per cent increase in cafeteria prices, effective 1 September 2016, and a number of major changes relating to the Delegates' Dining Room. Specifically, the lunch service, consisting of a prix fixe menu, would now be offered in the West Terrace on the 4th floor of the Conference Building. In addition, the Dining Room's previous location would be refurbished and used as an event space, a decision that the Group interpreted as profit-driven, in view of the Organization's established business relationship with a particular catering company. The Dining Room had previously been the only place on campus where diplomats, delegates and staff could enjoy a business lunch in a dignified setting. Guests were now reduced to dining in a much smaller venue with limited capacity, a reservation-only policy and prices that discriminated against external visitors. She therefore asked the Chair to use her good offices to provide Member States with an informal opportunity to seek clarification on those matters from the relevant Secretariat departments.

The meeting rose at 10.50 a.m.